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Subject: FW: Region 6 Weekly
Date: Thursday, December 14, 2017 3:20:07 PM

FYSA

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Subject: Region 6 Weekly

UPCOMING HOT ISSUES AND IMPORTANT DEADLINES

December 14, 2017

Vertac Superfund Site, Jacksonville Arkansas

EPA met with managers and staff of the Arkansas Department of Environmental Quality regarding reaching agreement on an environmental sampling protocol for this former herbicide manufacturing plant. Hercules, one of the responsible parties for the site, alarmed the Mayor of Jacksonville by portraying a draft EPA and ADEQ dioxin sampling plan as unscientific, unneeded, and a frightening threat to the community. EPA and ADEQ agreed to align State and EPA technical plans in a face to face meeting on December 18 and then to reach joint agreement the Mayor. Following that, EPA, the State, and the Mayor will respond to the responsible party.

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Bird Creek, Osage County, Oklahoma

EPA continues to work on the response to comments from the public comment period and the hearing held on October 11, 2017 related to Proposed Administrative Orders (SDWA) sent to Warren American Oil Company, Jireh Resources LLC, and Novy Oil and Gas, Inc., so that final Orders may be completed by early January 2018. EPA successfully collected additional monthly in-stream monitoring data the week of December 4th. Warren American and Jireh Resources

attempted to pump out a hotspot at monitoring station 6. Both EPA and the two operators collected samples during the pump out. This appeared to be unsuccessful in demonstrating that the stream contamination was a “one time event”, but no specific analytical information is available at this time.

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Espanola's Wastewater Treatment Plant Espanola, New Mexico

The week of December 18, 2017, representatives from EPA Region 6's Municipal & Industrial Section of the Water Enforcement Branch are conducting an inspection at the City of Espanola's Wastewater Treatment Plant. The inspection's focus is to evaluate the wastewater utility's capacity, management, operations, and maintenance to compliance with the City's NPDES permit. The City of Espanola has had issues with deficient reporting. It should be noted the facility is non-tribal, but their outfalls discharge on tribal lands. Personnel from the Pueblo of Santa Clara Environmental Affairs Department, and New Mexico Environment Department were contacted regarding this upcoming inspection.

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Bandera Road Groundwater Plume, Leon Valley, Texas

On December 19, 2017, EPA plans to conduct a site inspection and interagency update meeting as part of regular site activity. The interagency update meeting is scheduled for 2 pm at the Edwards Aquifer Authority office in San Antonio and will include representatives from the Texas Commission on Environmental Quality and other local agencies. EPA plans to have a follow-up community meeting with the Bandera Road Groundwater Plume Community Advisory Group in February, 2018.

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Barta Enterprises Company, State No. 3-16 Lease Tank Battery Site, Pawnee County, Oklahoma

December 20, 2017, an EPA Inspector is scheduled to conduct a Spill Prevention Control and Countermeasure inspection at the Barta Enterprises Company, State No. 3-16 Lease Tank Battery production facility, located in Pawnee County, Oklahoma. The Inspection was scheduled due to citizen complaints and/or alleged unreported spills.

San Mateo Creek Basin Site, McKinley and Cibola Counties, New Mexico

At the request of Acoma Pueblo, Superfund intends to meet with Acoma Pueblo council to provide government-to-government consultation regarding the proposal for the San Mateo Creek Basin Legacy Site to the National Priority List on December 21, 2017. The purpose of the consultation is to provide information to the Pueblo's leadership about the listing, to solicit input, and also to request a letter of support for the site's NPL proposal.

Atchley Resources, Inc., Bolon No 1 -34 Facility, Cleveland County, Oklahoma

EPA intends to issue an Expedited Settlement Agreement to Atchley Resources, Inc., for violations of 40 CFR part 112, for failing to provide management approval for their Spill Prevention Control and Countermeasure plan, failure to maintain training records and inadequate secondary containment. The violations were documented during an inspection of their Bolon No. 1-34 Facility in Cleveland County, Oklahoma, on November 14, 2017. The proposed penalty is \$1,200.

Extreme Metals, Emory, Texas

EPA will complete removal activities at this former metal plating facility. The site waste,

previously bulked in November 2017, will be transported off-site and securely disposed.

NEPA

Midcontinent Supply Header Interstate Pipeline Project, Bennington, Oklahoma

The Federal Energy Regulatory Commission (FERC) prepared an Administrative Draft Environmental Impact Statement (ADEIS) for the Midcontinent Supply Header Interstate Pipeline (MIDSHIP) Project. The proposed project will construct and operate new and existing pipeline infrastructures in Oklahoma, Texas, and Louisiana. The FERC will use the ADEIS in its decision-making process to determine whether to issue a certificate of public convenience and necessity for the MIDSHIP Project. Region 6 will support the FERC by meeting our basic statutory requirements for participating in the environmental review process.

UPCOMING PUBLIC EVENTS

December 20 – Arkansas Department of Environmental Quality discussion on Oil & Gas Compliance and Enforcement Efforts, Little Rock, Arkansas

January 9 – Louisiana Department of Environmental Quality discussion on Oil & Gas Compliance and Enforcement Efforts, Baton Rouge, Louisiana

January 10 – Meeting with State Agricultural Directors for Region 6 States, Dallas, Texas

January 17 – Texas Commission on Environmental Quality discussion on Oil & Gas Compliance and Enforcement Efforts, Austin, Texas

January 18 – Senate Environment and Public Works Hearing regarding EPA Hurricane Response, Washington, D.C.

January 23 – National Oil and Gas Roundtable, Denver, Colorado

January 24 – National Air Quality Conference, Austin, Texas (tentative)

April 11 – Regional Tribal Operations Committee Meeting, Dallas, Texas

UPCOMING DECISIONS

Arkansas Memorandum of Understanding (12/15 court filing deadline)

EPA plans to enter into a Memorandum of Understanding (“MOU”) to outline a mutually agreed timeline with Arkansas for submittal and review of Arkansas Regional Haze SIP revisions. A status report is due to the court on December 15, 2017 whereby EPA intends to

ask for a continuance of the abeyance while EPA receives and processes Arkansas' SIP revisions. The plan is for the Status Report to include EPA's signed MOU with Arkansas. In addition, ADEQ will request from the court a judicial stay for the SO₂ requirements for portion of the FIP that remains in place. Consistent with the MOU, EPA will not oppose Arkansas' judicial stay request.

Louisiana Regional Haze (12/15 consent decree deadline)

EPA intends to take final action on all outstanding requirements for the Louisiana Regional Haze Program which was under Consent Decree deadline of [December 15, 2017](#). EPA intends to finalize our Nelson proposal as part of the final consolidated RH action approving revisions to the Louisiana SIP submitted by LDEQ. We are also finalizing our proposed determination that Louisiana's participation in the Cross-State Air Pollution Rule's trading program for ozone season NO_x qualified as an alternative to BART.

TCEQ Exceptional Events Demonstration, El Paso, Texas

EPA will concur on the document for the El Paso Exceptional Event demonstration presented by the Texas Commission on Environmental Quality (TCEQ). TCEQ has asked to except the air quality 8-hour ozone concentration value of 77 parts per billion and flag the hours of 1100-1800 local standard time (LST) on June 21, 2015, at the University of Texas at El Paso (UTEP) monitor. TCEQ submitted the demonstration package on September 27, 2016, after completing a 30-day public review period. Additional information was submitted for review on January 19, 2017, January 20, 2017, and May 20, 2017. After careful consideration of the information provided, the EPA concurs, based on the weight of evidence, that the TCEQ has made such demonstration.

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PAST WEEK ACCOMPLISHMENTS

Dallas Fort Worth VOC Rules and VOC Reasonably Achievable Control Technology

EPA approved changes to the Texas State Implementation Plan making state rules affecting sources in the ten county DFW area federally enforceable and which satisfies the state's obligation under the Clean Air Act to meet VOC RACT for the DFW area.

VOC Definitions for Arkansas Air Quality Rules

EPA approved revisions that will incorporate EPA's latest definition of VOC in the Arkansas State Implementation Plan on the basis that these compounds make a negligible contribution to tropospheric ozone formation.

Title V Permit for Monarch Waste Technologies, Nambe, New Mexico

EPA requested a complete Part 71 permit application by [June 1, 2018](#) in order to permit operation of the Pyromed 550 system incinerator on Pueblo of Nambe tribal lands. An operating permit is required pursuant to the New Source Performance Standards for

Hospital/Medical/Infectious Waste Incineration (HMIWI) regulations. EPA's federal operating permit rules require operating permits to be submitted within 12 months after the source becomes subject to the permit program, or on or before such earlier dates as the permitting authority may require. EPA may request permit applications earlier than 12 months provided the source is notified of an earlier submittal date at least 6 months in advance of that date. Because of expected interest in this operation, we are requesting the Title V permit application by [June 1, 2018](#).

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New Mexico SIP Submittals for Infrastructure and Interstate Transport for the 2012 Fine PM NAAQs

EPA approved the NM SIP demonstrating that CAA infrastructure and interstate transport requirements have been met for the 2012 PM_{2.5} NAAQS.

PENDING ACTIONS (Pending Federal Register Publication)

Oklahoma: Final Approval of State Underground Storage Tank Program Revision
FRL 9968-28-Region 6 and 99

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